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Sent via email transmission (david@davidcohen.com)
Special Master David R. Cohen
Law Office of David R. Cohen
24400 Chagrin Boulevard, Suite 300
Cleveland, OH 44122

RE: In Re: National Prescription Opiate Litigation
MDL Case No.: 1:17-cv-2804
NAS Babies

Dear Special Master Cohen:

We write on behalf of the babies in the MDL suffering Neonatal Abstinence Syndrome. We have been seeking access to the ARCOS data for some time but have not yet been granted access or a clear response to our requests by the PEC, despite repeated inquiries. The recently filed Second Amended Notice of ARCOS Disclosure filed by Plaintiffs' Lead Counsel (Doc. 1612) and the Judge's recent Opinion re access to the ARCOS data (Doc. 1545) explicitly expand access to hospital MDL plaintiffs, but make no mention of NAS baby plaintiffs in the MDL. We seek your assistance in resolving this apparent oversight and securing access for the babies to the ARCOS data necessary to prosecute their cases in the MDL.

Counsel for the NAS babies in the MDL seek this ARCOS data for the same purposes as the hospital plaintiffs—to mediate, settle or otherwise prosecute their claims, purposes explicitly allowed for by the Protective Order. The NAS babies should not be treated differently than the other parties to this litigation. We note that the DOJ/DEA “does not object to granting access of the ARCOS or SORS data to Plaintiff Hospitals who are parties to the MDL and who have signed the protective order for use in this litigation only.” (Doc. 1522) We too have already agreed to be bound the protective order and seek only to use the ARCOS data for the purposes of this litigation. This data cannot be obtained from any other source and is necessary for the NAS babies to take the appropriate steps to litigate their claims.

In light of these facts, we ask for your assistance in expeditiously arranging access to the ARCOS data for the babies in the MDL. If necessary, we are prepared to file a motion to secure this access. We look forward to your reply.

Respectfully,

Celeste Brustowicz

CB/lr

cc: Joe Rice (jrice@motleyrice.com)
Josh Gay (jgay@levinlaw.com)

4849-9239-0550, v. 2